

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GOJO INDUSTRIES, INC.,

Plaintiff,

v.

INNOVATIVE BIODEFENSE, INC., and
AQUARIUS GLOBAL ENERGY PARTNERS, LLC,

Defendants.
-----X

:
: Case No. 15-cv-2946 (PAC)
:
: ECF Case
:
: STIPULATION AND ~~Proposed~~
: ORDER OF PRELIMINARY
: INJUNCTION ON CONSENT
: AND WITHDRAWAL
: WITHOUT PREJUDICE OF OTHER
: PARTS OF APPLICATION FOR
: PRELIMINARY INJUNCTION

Plaintiff GOJO Industries, Inc.'s ("Plaintiff") application for a Preliminary Injunction against Defendant Innovative Biodefense, Inc. ("IBD"), brought by Order to Show Cause, was set for hearing on April 24, 2015. IBD states that it intends to deny each and every claim of Plaintiff. Prior to any ruling by the Court, Plaintiff and IBD, through their undersigned counsel, discussed the matter and IBD stated that it would voluntarily agree to a preliminary injunction (as set forth below), without any admission of liability on its part, and without an admission that IBD authorized or approved actions of Aquarius Global Energy Partners, LLC, or that it is IBD's agent, stipulating to an Order regarding a portion of Plaintiff's requested relief in the application and without waiver of any of IBD's defenses. Plaintiff withdrew the remainder of its application for a preliminary injunction without prejudice.

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff and IBD, through their undersigned counsel, to an Order on the following terms:

ORDERED that IBD, its officers, agents, employees, attorneys, and all persons in active concert and participation with it are preliminarily and immediately enjoined and restrained from:

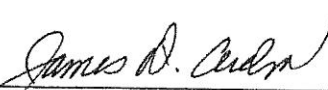
(1) Publishing or disseminating, in any form or in any version or in any medium, including but not limited to television, print, the Internet, any commercial, advertisement, magazine, brochure, or other display, or circulating or utilizing in any manner whatsoever the logo or mark of the Food and Drug Administration ("FDA") on any advertisement or promotion of Zylast® products;

(2) Publishing or disseminating, in any form or in any version or in any medium, including but not limited to television, print, the Internet, any commercial, advertisement, magazine, brochure, or other display that asserts, directly or by necessary implication, or that makes any implied assertion, that Zylast® products are approved and/or endorsed by the FDA unless and until a formal approval, if necessary, is obtained for a Zylast® product from the FDA, in which case statements of FDA approval may be made as to such FDA-approved product; and it is further


ORDERED that the application brought by Order to Show Cause entered April 20, 2015, is deemed withdrawn as to matters not covered by this Order, without prejudice to renewal as to any matters; and it is further

ORDERED that the time for IBD to respond to the Requests for Production and Interrogatories served April 20, 2015, is extended to May 20, 2015 unless otherwise ordered by the Court.

Dated: April 29, 2015.

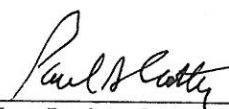
By: 
James D. Arden
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, New York 10019
Telephone: (212) 839-5300
jarden@sidley.com
Attorneys for Plaintiff
GOJO Industries, Inc.

Dated: April 29, 2015

By: 
Adam K. Kurland
Fenster & Kurland LLP
337 North Main Street
Suite 11
New City, New York 10956
Telephone: (845) 638-4700
akurland@fklp.com
Attorneys for Defendant
Innovative Biodefense, Inc.

IT IS SO ORDERED.

Dated this 30th day of April, 2015.


Hon. Paul A. Crotty
United States District Judge